

UNITED STATE DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES T. SANDERSON III individually
and as Trustee of the BOSTON HILL REALTY
TRUST

Plaintiffs

VS.

C.A. No. 08-40106-FDS

GEMSTONE INVESTMENT CO, INC.,
DAVID G. MASSAD AND PAMELA MASSAD

Defendants,

**GEMSTONE INVESTMENT CO., INC., DAVID G. MASSAD AND
PAMELA MASSAD'S PARTIAL MOTION TO DISMISS AND REQUEST
FOR REMAND TO STATE COURT**

Pursuant to Fed. R. Civ. P 12(b)(6), the Defendant David G. Massad, Pamela Massad and Gemstone Investment Co., Inc. respectfully request that the Court dismiss those federal claims asserted against them and remand this matter to state court. In particular, the Defendants seek dismissal of Count I (Civil RICO, 18 U.S.C. § 1961 et seq.) and Count II (Civil RICO Conspiracy, 18 U.S.C. §§ 1962(d), 1964(c)). In support of their motion to dismiss, the Defendants respectfully refer the Court to the accompanying memorandum of law.

WHEREFORE, Gemstone Investment Co., Inc., David Massad and Pamela Massad respectfully request the Court dismiss Counts I and II of the Plaintiff's Verified Amended Complaint and remand this case to the Massachusetts Superior Court for further proceedings.

Respectfully submitted,

GEMSTONE INVESTMENT CO., INC.

By its attorneys,

/s/ David H. Rich
David H. Rich (BBO #634275)
TODD & WELD LLP
28 State Street – 31st Floor
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(617) 720-2626

DATED: July 3, 2008

CERTIFICATE OF SERVICE

I, David H. Rich, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

Date: July 3, 2008

/s/ David H. Rich
David H. Rich